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Attorneys for Plaintiff Vivint, Inc.

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

VIVINT, INC.,

Plaintiff,

v.

ALARM.COM INC.,

Defendant.

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Civil No. 2:15-cv-00392-CW

**VIVINT'S STATUS UPDATE AND
REQUEST FOR A STATUS HEARING**

District Judge Clark Waddoups
Magistrate Judge Brooke C. Wells

The case was stayed on September 12, 2016 pending resolution of the instituted *inter partes* reviews (“IPR”) of the patent claims asserted in this action. (Docket No. 99.)

Final Written Decisions With Regard To All Pending IPRs Have Been Issued

Final written decisions in the five instituted IPRs were issued by May 2017. In addition, the PTAB denied institution of Alarm.com’s additional IPRs. At this point, the PTAB has issued final written decisions or denied institution for all of Alarm.com’s IPRs. The following chart summarizes the results of Alarm.com’s petitions and IPRs with respect to the patents-in-suit.

IPR NO.	PATENT	RESULT
2015-01965	7,884,713	Alarm.com Petition Granted; all claims found not to be patentable
2015-01967	7,884,713	Alarm.com Petition Denied
2015-01977	6,924,727	Alarm.com Petition Granted; claims found not to be patentable: 1–9, 14–18, and 22–38.
2015-01995	6,535,123	Alarm.com Petition Denied
2015-01997	6,717,513	Alarm.com Petition Denied
2015-02003	6,462,654	Alarm.com Petition Denied
2015-02004	6,147,601	Alarm.com Petition Denied
2015-02008	6,924,727	Alarm.com Petition not instituted because Vivint disclaimed claims 19–21
2016-00116	6,147,601	Alarm.com Petition Denied Institution as to Claim 16 Alarm.com Petition Granted; claims found not to be patentable: 1, 2, 4, 6, 7, 10–15, 17, 18, 22, 23, 25, 29, and 38, while the following claims were found not to be unpatentable: 5, 8, 9, 19–21, 26–28, 30, 31, 33–37, and 39–41
2016-00129	6,717,513	Alarm.com Petition Denied
2016-00161	6,462,654	Alarm.com Petition Not Instituted As To Claims: 11–13,15,16,19-21,23,24 Alarm.com Petition Granted; claims found not to be patentable: 9, 10, 14, and 27, while the following claims were found not to be unpatentable: 17, 18, 22, 25, 26, and 28
2016-00155	6,147,601	Alarm.com Petition Denied

2016-00173	6,535,123	Alarm.com Petition Granted; claims found not be patentable: 1, 2, 4–6, 10, 13, and 15–17, while the following claims were found not to be unpatentable: 3, 7–9, 11, 12, 14, and 18–20
2016-01080	6,147,601	Alarm.com Petition Denied
2016-01091	6,717,513	Alarm.com Petition Denied
2016-01110	6,462,654	Alarm.com Petition Denied
2016-01124	6,462,654	Alarm.com Petition Denied
2016-01126	6,535,123	Alarm.com Petition Denied

Request for a Status Hearing

During the August 19, 2016 hearing on the Motion to Stay, Alarm.com stated: “We think the parties should gather in front of the Court for a renewed conference once those decisions come in, so late May of next year. At that point we’ll know what, if anything, of the claims in the IPRs survived, and that knowledge is likely to affect all of our thinking about what should happen next. We’ll have not only the IPR final decisions on these five IPRs, we’ll have initiation decisions by then on additional IPRs, again, affecting all of our judgments about what makes sense going forward.” (Hearing Transcript, Aug. 19, 2016 at 24:1-10.) Based on Alarm.com’s request at the August 19, 2016 hearing, the Court ordered: “I also adopt Alarm.com’s proposal for a status hearing no later than June of 2017, at which time we will address further issues.” (Hearing Transcript, Aug. 19, 2016 at 54:7-9.)

Accordingly, Vivint respectfully requests a status conference at the Court’s earliest convenience to, among other things, formally lift the litigation stay, and to address case management and scheduling matters between the parties in light of the outcome of Alarm.com’s IPR petitions and the PTAB’s final written decisions. Prior to the conference, Vivint will meet and confer with Alarm.com with the intention of submitting a joint proposed schedule and/or to raise any disputes the parties may have with regard thereto.

Dated: June 6, 2017

Respectfully submitted

/s/ David R. Wright

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